

Application Serial No. 09/359,300
Attorney's Docket No. 08010137US07

A copy of the deposit receipt from ATCC that supports the amendment is enclosed herewith.

Claim 45 is amended to clarify the meaning of the claim. Support for the amendments can be found, for example, at page 7, lines 11-12 and in Claim 30 as filed.

New Claims 46-48 are supported by page 7, lines 11-12 and Claims 30 and 45 as filed.

New Claims 49-59 are supported by Claims 15-26 as filed.

No new matter is added in any of the above amendment and the Examiner is respectfully requested to enter the amendments and reconsider the application.

Interview with the Examiner

Applicants are grateful to Examiner Leffers for the opportunity of a personal interview on October 4, 2000. The Examiner requested Applicants to clarify claim language in Claim 45 of differences between identifying a phenotypic or biochemical change versus identifying a trait associated with a phenotypic or biochemical change. Applicants submit that there may be many different phenotypic or biochemical changes associated with one trait. When the steps b) -f) are repeated, changes related to the same trait are selected and grouped. Applicants believe that the claim amendments have overcome the §112, first paragraph rejection.

Remarks

New Claim 46 is similar to Claim 45, except the process of controlling the orientation of a nucleic acid insert. In Claim 45, the orientation of a nucleic acid insert is controlled by directional cloning. The direction of a nucleic acid insert is controlled when constructing recombinant viral nucleic acids to comprise an unidentified nucleic acid insert in a positive sense orientation. Applicants submit that controlled directional cloning is known to those skilled in the art. For example, a nucleic acid insert can be cloned, in an antisense or a positive sense orientation, into a vector by using appropriate restriction enzymes and their corresponding restriction sites. On the contrary, in Claim 46, the direction of a nucleic acid insert is not controlled when constructing recombinant viral nucleic acids. The nucleic acid insert in a positive sense orientation is selected after

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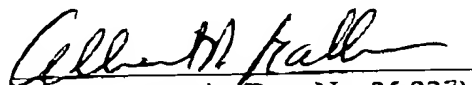
determining one or more changes of a host organism and identifying the recombinant viral nucleic acid that causes the changes.

CONCLUSION

In view of the foregoing amendments and remarks, the Applicants believe the application is in good and proper condition for allowance. If, in the opinion of the Examiner, a telephone conference would expedite the prosecution of the subject application, the Examiner is encouraged to call the undersigned at (650) 463-8109.

Respectfully submitted,

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